



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

June 22, 2022

VIA CM/ECF

The Honorable Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Alexei Saab*, 19 Cr. 676 (PGG)

Dear Judge Gardephe:

The parties respectfully write jointly regarding the status of the above-referenced matter and regarding the potential retrial on Count Two of the Indictment.

First, on June 8, 2022, the Court scheduled the potential retrial on Count Two of the Indictment for August 15, 2022. (Dkt. 243). Defense counsel is not available for trial starting that date, and the Government's letter of May 18, 2022 contains the availability of the defense trial team and the Government for a trial in the Fall of 2022, as the parties were contemplating. (*See* Dkt. 209). In addition, the defendant's Hizballah expert, Thanassis Cambanis, is not available to testify at a retrial commencing on August 15, 2022. The Government joins in this request.

Beyond that, the parties respectfully submit that any retrial should take place after the Court resolves the defendant's pending Rule 29 motion. (*See* Dkts. 237-240, 242, 244). First, the Court's resolution of the Rule 29 motion will be a significant factor in this Office's determination of whether a retrial on Count Two is in the interests of justice. Second, the defendant's strategy at any retrial may depend in part on the Court's resolution of the Rule 29 motion. Third, the parties have engaged in preliminary discussions about a potential disposition in this matter which would obviate the need for a retrial, and the Court's resolution of the Rule 29 motion would factor into those disposition discussions.

For all of these reasons, the parties respectfully submit that it is in the interests of justice to defer the start of any retrial until after the Court has resolved the pending Rule 29 motion. The parties therefore jointly request that the Court schedule the potential retrial for a date this fall, and that such date be a sufficient period of time after the Court's anticipated resolution of the Rule 29 motion so as to allow the Court's ruling to be accounted for by this Office in its determination of whether to pursue a retrial and by the defense in its strategy at any retrial, and to avoid the need

for pretrial litigation and proceedings in the event that there ultimately is no retrial in light of the Court's ruling.

Respectfully submitted,

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United States Attorney

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cc: Defense Counsel (by ECF)